IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

Jeffrey A. Hubbell, Chandrashekhar P. Pathak, Amarpreet S. Sawhney, Neil P. Applicants:

Desai, Jennifer L. Hill, and Sved F. Hossainv

Serial No:

10/607.247

Art Unit: Examiner: 1651

June 25, 2003

David M. Naff

Filed: For

GELS FOR ENCAPSULATION OF BIOLOGICAL MATERIALS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER FIVE ISSUED PATENTS

Sir

Petitioner, Board of Regents, The University of Texas System, is the owner of the entire interest in the above-identified application and U.S. Patent No. 5,843,743, issued December 1, 1998, U.S. Patent No. 5,529,914, issued June 25, 1996, U.S. Patent No. 5,834,274, issued November 10, 1998, U.S. Patent No. 5,573,934, issued November 12, 1996, and U.S. Patent No. 6.632,446, issued October 14, 2003, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 88 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 5,843,743, U.S. Patent No. 5,529,914, U.S. Patent No. 5,834,274, U.S. Patent No. 5,573,934, and U.S. Patent No. 6,632,446, or any continuation thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such

U.S.S.N. 10/607,247
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period that it and U. S. Patent No. 5,843,743, U.S. Patent No. 5,529,914, U.S. Patent No. 5,834,274, U.S. Patent No. 5,573,934, and U.S. Patent No. 6,632,446, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 5,843,743, U.S. Patent No. 5,529,914, U.S. Patent No. 5,834,274, U.S. Patent No. 5,573,934, and U.S. Patent No. 6,632,446, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Board of Regents, The University of Texas System.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM

By: \frac{1}{2}

Name:

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Date: March 2, 2006

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This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 instruties to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any Contraction on the amount of time yet require to complete this form ander suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SENTI FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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